

REMARKS

Claims 1-2 and 4-16 are pending in the Application. Claim 16 has been allowed. Claims 1-4, 8, 10 and 15 have been rejected, and claims 5-7, 9 and 11-14 have been objected to. Claims 1 and 15 have been amended herein and claim 3 has been cancelled without prejudice. New claims 17-21 have been added. Applicant submits that no new matter has been added by these amendments. Applicant respectfully requests reconsideration of the Application in view of the remarks and amendments herein.

Claim Rejections – 35 U.S.C. § 102(b) and 103(a)

Claims 1-4, 8, 10 and 15 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Henley

Claims 1 and 15, as amended, are clearly novel over Henley. Henley does not teach reconfiguring the first well bore by cutting the subterranean formation to enlarge a transverse dimension of the first well bore, as now recited in claims 1 and 15. Instead, Henley teaches fracturing the formation. Nor is there any suggestion in Henley or the art of record that would have led the artisan to modify Henley's process to include enlarging a transverse dimension of the bore by cutting.

Claims 1, 2, 4, 10 and 15 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Berger et al (U.S. Patent No. 6,581,455). Amended claim 1 includes the language of claim 3, as does claim 15. Thus, since claim 3 was not rejected as anticipated by Berger Applicant believes that this rejection is obviated by the present amendment.

Allowable Subject Matter

Applicant notes and appreciates the Examiner's allowance of claim 16 and indication that Claims 5-7, 9 and 11-14 would be allowable if rewritten in independent form. Applicant has not rewritten these claims into independent form, but reserves the ability to do so in the future.

Conclusion

In view of the above, and for other reasons clearly apparent, Applicant respectfully submits that the Application is in condition for allowance, and requests such a Notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicant hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

It is believed that no fees are due with this submission. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: June 21, 2006

/Celia H. Leber/
Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: (214) 292-4034
Facsimile: (214) 747-2091